

Proposed changes to the local rules for the United States Bankruptcy Court for the Northern District of Indiana. New material is indicated by Double Underline, and deleted material is indicated by ~~Strikeout~~.

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**B-2002-2**

**Notice of Opportunity to Object to Motions**

(a) Except as otherwise ordered, the court will consider the following matters without holding a hearing, unless a party in interest files a timely objection to the relief requested:

(1) Motions to approve agreements relating to relief from the automatic stay; providing adequate protection; or prohibiting or conditioning the use, sale or lease of property.

(2) Motions to approve agreements relating to the use of cash collateral.

(3) Motions for authority to obtain credit.

(4) In cases pending under Chapter 7, motions for relief from the automatic stay.

(5) Motions to avoid liens on exempt property.

(6) Motions to redeem personal property from liens.

(7) Applications for administrative expenses, including compensation for services rendered and reimbursement of expenses.

(8) Motions to extend the time for filing claims.

(9) Motions to extend the exclusivity periods for filing a Chapter 11 plan.

(10) Motions to extend the time to assume or reject executory contracts and unexpired leases.

(11) Motions filed by a trustee or debtor-in-possession to assume or reject executory contracts and unexpired leases.

(12) Motions to approve a modification to a confirmed Chapter 11, Chapter 12 or Chapter 13 plan.

(13) Motions to approve a compromise or settlement.

(14) Motions to transfer a case to another district or to another division in this district.

(15 ) Motions to approve transactions outside the ordinary course of business.

(16) Motions to sell property free and clear of liens.

(17) Motions to abandon property of the estate.

(18) Motions for relief from the co-debtor stay of 11 U.S.C. § 1201 or § 1301.

(19) Motions for the substantive consolidation of cases.

(20) Motions to compel the debtor to turnover or deliver property to a trustee.

(21) In cases under Chapter 12 and 13, motions for a discharge prior to the completion of payments under a confirmed plan (motions for hardship discharge).

(22) Motion of a party in interest to enter a final decree in a case under Chapter 11.

(23) Trustees' Applications to Employ Professionals After Notice to Creditors filed pursuant to N.D. Ind. L.B.R. B-2014-2(b).

(b) Except as otherwise ordered by the court:

(1) no less than fifteen (15) days notice shall be given of the opportunity to file objections to:

(A) motions to approve agreements relating to relief from the automatic stay, providing adequate protection, prohibiting or conditioning the use, sale or lease of property;

(B) motions relating to the use of cash collateral;

(C) motions for authority to obtain credit;

(D) motions for relief from the automatic stay in cases pending under Chapter 7; and

(E) motions relating to abandonment of property from the estate.

(2) no less than twenty (20) days notice shall be given of the opportunity to file objections to the other motions subject to this rule.

In all cases, the time within which objections may be filed shall be measured from the date notice of the opportunity to object is mailed.

(c) Local Bankruptcy Form 3a (LBF-3a), Local Bankruptcy Form 3b (LBF-3b) or another form of notice substantially similar thereto shall be used to give creditors and parties in interest notice of the motion and the opportunity to object thereto. This notice **must** (1) identify the party seeking relief, (2) state the name of the motion and the date upon which it was filed, (3)

briefly and specifically state what you are asking the court to do, (4) contain a brief summary of the ground for the motion or have a copy of the motion attached to it, (5) state the date by which objections to the motion are to be filed, where objections should be filed and upon whom copies should be served, (6) contain a statement to the effect that if no objections are filed by the date due the court may grant the relief requested without holding a hearing, (7) be dated as of the date it is served, and (8) be signed by counsel for the movant or the movant, if *pro se*, and contain the name, address and telephone number of the individual signing the notice.

(d) The moving party shall be responsible for properly completing the appropriate version of LBF-3 so that it contains the required information, serving it upon the entities required by the United States Bankruptcy Code, the applicable rules of bankruptcy procedure, the local rules of this court,<sup>1</sup> and/or any order of the court, and making due proof thereof. The failure to do so within five (5) days of the date the motion was filed will be deemed to be a waiver of any time limits associated with ruling on the motion, including the time limits set forth in 11 U.S.C. § 362(e).

(e) The appropriate version of LBF-3 may also be adapted for use in those instances, not specifically covered by this rule, where the court directs that particular relief may be granted without a hearing following the expiration of notice to creditors. In those situations, in addition to complying with the other requirements of this rule, the notice shall be accompanied by a copy of the court's order authorizing notice to creditors and establishing the deadline for filing objections.

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<sup>1</sup>Pursuant to Rule 5003(e) of the Federal Rules of Bankruptcy Procedure, the clerk maintains a list containing the addresses of various state and federal governmental units. The list is available at the clerk's office and on the court's web site.

**B-2014-2**  
**Employment of Professionals by Trustees**

(a) Except as otherwise requested, the court will consider and rule upon a bankruptcy trustee's application to employ a professional without notice or hearing.

(b)(1) If the trustee would like the court to defer ruling on an application to employ a professional until creditors have been given the opportunity to object to the application, the trustee shall file an "Application to Employ (Identify type of professional – attorney, accountant, etc.) After Notice to Creditors." In addition to the other disclosures and affidavits required by the Bankruptcy Code and the applicable Rules of Bankruptcy Procedure, the verified statement of the proposed professional shall also set forth the connections with any affiliates and/or insiders of the debtor and shall specifically state:

(A)(i) whether the professional or a member of the professional's firm or business represented or was employed by any affiliate or insider of the debtor during the twelve months prior to the petition, and (ii) any position the professional or a member of the professional's firm or business holds or held in any affiliate or insider of the debtor during the two years prior to the petition;

(B) if the professional or a member of the professional's firm or business has represented or been employed by any affiliate or insider of the debtor during the twelve months prior to the petition, the circumstances of such representation or employment, all payments received on account of such representation or employment, and any amount owed on account of such representation or employment on the date of the petition;

(C) whether or not the professional or a member of the professional's firm or business represented or was employed by the debtor during the twelve months prior to the petition and, if so, the circumstances of such representation or employment, all payments received on account of such representation or employment, and any

amount owed on account of such representation or employment on the date of the petition;

(D) any position the professional or a member of the professional's firm or business holds or held in the debtor during the two years prior to the petition;

(E) whether or not the professional or a member of the professional's firm or business represented or was employed by an officer, director, shareholder, partner or limited partner of the debtor, or any entity that has guaranteed an obligation of the debtor or is liable on any obligation of the debtor or pledged property to secure an obligation of the debtor and, if so, the circumstances of such representation or employment; and

(F) whether or not the professional or a member of the professional's firm or business has represented any scheduled creditor within the year prior to the date of the petition and, if so, the circumstances of such representation or employment.

(2) The application, together with the accompanying affidavits and disclosures, shall be served upon the United States Trustee and all creditors and parties in interest, along with a notice of the application and the opportunity to object thereto prepared in accordance with local bankruptcy rule B-2002-2(c). Unless objections to the application are filed within twenty (20) days following service of the application and the notice of the opportunity to object thereto, the court may grant the application and approve the employment without further notice or hearing. Unless the court orders otherwise for good cause shown, the failure of any party served with notice of the opportunity to object to the application to file an objection within the time required will be deemed a waiver of any objection to the professional's employment by the trustee and to the allowance or payment of fees on account of such employment based upon the disclosures made in the application and the accompanying affidavits.

(c) Unless otherwise requested following notice to all creditors, the approval of a professional's employment will relate back to the date the application was filed.

#### **B-4004-1**

#### **Extensions of Time for Filing Discharge Objections and Dischargeability Complaints**

(a) Motions for an extension of the time within which to file complaints objecting to a debtor's discharge, pursuant to 11 U.S.C. § 727, or to determine the dischargeability of debt, pursuant to 11 U.S.C. § 523, shall be combined with notice thereof, be filed prior to the expiration of the bar date to be extended and be served upon the United States trustee, any trustee, debtor and debtor's counsel, any committee and/or the entities included on any list required by Fed. R. Bankr. P. 1007(d).

(b) At a minimum, the motion shall state the cause for the requested extension, the date to which the time is to be extended, and contain a statement that any objections to the motion must be filed within fourteen (14) days of the date the motion was served.

(c) In the absence of an objection to the motion within fourteen (14) days after service the court may grant the motion without further notice or hearing.

~~—(d) In the event the motion is granted, movant shall be responsible for serving a copy of the order upon the creditors and parties in interest affected thereby.~~



**B-9019-1**  
**Stipulations and Settlements**

When a case, adversary proceeding, contested matter, dispute, claim or controversy is settled, the parties shall promptly notify the court of the settlement or stipulation and, within the time required by the court, file an agreed judgment or ~~other~~order and, where appropriate ~~stipulation, together with a proposed form of notice and order.~~ a motion to compromise which will be considered following notice to creditors in accordance with N.D. Ind. L.B.R. B-2002-2. The court may extend this time upon a showing of good cause. Failure to file the required judgment or stipulation may result in the dismissal of the pleading, motion, objection, or application upon which the matter was at issue.